

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

MAY 16 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ERIK J. SNAPPER, JULIAN P. JIGGINS, BHARAT SHYAM
HADI PARTOVI, ERIC R. BERMAN, STEVEN J. FREEDMAN
JAMES E. ALLARD, FRANK Z. CHANG, STEPHEN P. PROTEAU
and CLINT C. JORGENSEN

Application No. 09/388,351

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on March 16, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

A Reply Brief was timely filed on September 24, 2004. The examiner did not review this paper. The Reply Brief needs to be considered by the examiner with respect to compliance with the criteria set forth in 37 CFR § 41.43(a) which states:

(a)(1) After receipt of a reply brief in compliance with § 41.41, the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen

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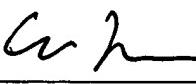
prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

Also, an Information Disclosure Statement (IDS) was filed on September 24, 2004. It is not apparent from the record that the examiner properly considered the IDS submitted nor notified appellants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly, it is

ORDERED that the application is returned to the Examiner for appropriate consideration of 1) the September 24, 2004 Reply Brief; 2) the September 24, 2004 IDS; and 3) for such further action as may be appropriate.

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